

**MINUTES OF THE CITY COMMISSION MEETING
MONDAY, MAY 13, 2013**

The City of Leesburg Commission held a regular meeting Monday, May 13, 2013, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Elise Dennison
Commissioner Jay Hurley
Commissioner John Christian
Commissioner Bill Polk
Mayor David Knowles

Also present were Interim City Manager (ICM) Ray Sharp, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Andi Purvis, the news media, and others.

Commissioner Hurley gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS:

Mayor Knowles read proclamation proclaiming May, 2013, as Leesburg Professional Firefighters Appreciation Month.

PRESENTATIONS:

HEARD PRESENTATION OF NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION (NERC)

Electric Department Operations and Compliance Manager (EDOCM) Phil Janik stated the City is required by NERC to present to the Commission what it is doing and to show there is top down support from the Commission. Leesburg has the Internal Compliance Program (ICP) because of the Federal Government (FERC) Federal Energy Regulatory Commission who implemented the compliance requirement and the North American Electric Reliability Corporation (NERC) as the authority of enforcement. The City of Leesburg works with Florida Municipal Power Agency (FMPA) jointly for its NERC reporting and standards. The City started toward compliance in 2006; in July 2008 made it mandatory to be registered and March 12, 2010, the City of Leesburg was registered and received a Notice of Listing in NERC Compliance Registry. Through the ICP, the City is required to post all trainings on City's intranet. The five key elements of ICP are 1) Show a strong atmosphere of compliance; 2) Yearly review of ICP and all documented evidence; 3) Strong process for compliance "Find, Fix, Track, & Report"; 4) Establish compliance staff; and 5) Fully support Leadership structure. EDOCM Janik stated the Compliance Manager needs to and has direct contact to the City Manager.

Compliance Officer (CO) Chris Atkins stated there are thirty reliability standards of the electric system the City is required to be in compliance. In calendar year 2013, there will be two new standards and one revised standard; in 2014, there will be nine revised standards with one being a major change with a large associated cost. ICP has four Key Reliability Standards: 1) Critical Infrastructure Protection (CIP), major changes will increase cost of compliance; 2) Sabotage Reporting, annual City wide training required;

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3) Protection and Controls, maintenance and testing of protection systems in substations; and 4) Communications, possible major changes could also increase cost of compliance. CO Atkins stated the City had a NERC Audit for 2013 on February 28, 2013, audited on four NERC standards and the internal compliance program. The audit period was from February 2010 to February 28, 2013 and the City received "No Finding" or "Not Applicable" on standards audited which means the audit team did not discover any non compliance issues. No fines, no penalties. The City did receive a good rating on its Reliability Compliance Program and did receive some recommendations in areas to be strengthened. CO Atkins explained the base penalty amount table which is based on the severity and type of risk of non compliance and these penalties range per event per day.

Commissioner Polk asked where the compliance money goes if have to pay fines. CO Atkins stated it is paid to the FRCC (Florida Reliability Coordinating Council).

ICM Sharp stated the audit outcome was very positive and these gentlemen have done an excellent job with their team for the City.

Mayor Knowles congratulated the team for their hard work.

Commissioner Polk stated this is not their only job, just a minor portion of what they do. Commissioner Polk also stated he was present at the Electric Department last week for an FMPA meeting and while there noticed the staff's completed boards for the meters and thermostats. Commissioner Polk suggested each Commission request a demonstration to see what staff is doing as it is very eye opening. They have accomplished several innovative things in-house and the City has saved money by implementing the information brought back by Deputy Director Patrick from Omaha.

HEARD COMMUNITY DEVELOPMENT DIRECTOR BILL WILEY'S REPORT ON REZONING CITY PROPERTY ON CR 470

CDD Wiley stated most of the property now is zoned Public and even though several things can be done under public, usually the private sector looking at property for a potential business is not using public zoning. It is better to rezone the property to a PUD (Planned Unit Development) because in a PUD design criteria can be added. CDD Wiley stated one important factor coming out of the Duke Energy readiness study was prospective businesses want to have a quick development schedule. In looking at the codes, the typical planned unit development for rezoning districts takes anywhere from 90 to 120 days to go through the process. Trying to look at a way to cut this time down, staff would recommend the following:

- 1) Amend Sec. 25-278 for amending PUD districts and once adopted will provide City owned properties can be amended by Resolution; eliminating the 90 to 120 days process to meet a prospective company's needs.
- 2) Rezone all City property in the CR 470 area from Public to PUD with architectural design requirements using the Duke Energy Buildable Area Options A and B as conceptual plans.
- 3) Include the "City of Leesburg CR 470 Industrial and Technology Park" 75 acre parcel in the overall new PUD; creating one PUD instead of two.

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- 4) Submit rezoning application to the Planning Commission on July 18th and to the City Commission on August 12th and 26th for final adoption.
- 5) Prior to the development of multiple sites the City will need to create a plat for recording and any future transfer of any properties, if applicable.

Commissioner Polk asked if the plat is adjustable. CDD Wiley stated there are different ways to go about it. Once you have a plat, then you decide if a lot split or combining the lots is what you want to happen.

Commissioner Dennison thanked CDD Wiley for his recommendations and stated the City does need to move ahead a little faster when these companies start coming.

Commissioner Christian moved to approve Option One to approve the proposed changes in schedule and concept and Commissioner Dennison seconded the motion.

The roll call vote was:

Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Christian	Yes
Commissioner Hurley	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the ordinance.

HEARD KIDS KORNER PROGRESS REPORT BY CAROLYN VANDYKEN

Carolyn VanDyken stated Kids Korner has been a great investment for the community for eighteen years and unfortunately time, wear and tear, have taken its toll on the play ground. Last year the City of Leesburg partnered with residents, local businesses and civic groups to form a Kids Korner community group and this group is committed to bringing our community together to build a new playground. The goal is create a great focal point for the community and to build an all inclusive play ground for everyone to enjoy. Mrs. VanDyken stated after meeting with four playground companies and making a similar sized foot print, the group feels Landscape Structures will meet all the needs with a fund raising goal set at \$250,000. Since the community's goal is to create a great focal point for Leesburg, the group would like the City to include a new playground structure in the master planning of Ski Beach Venetian Gardens. This playground would make a great center piece for the park with creativity and with design help from landscape structures this park could tell the story of Leesburg.

Commissioner Polk asked why should the playground be moved from its current location.

Mrs. VanDyken stated the playground is close to the highway and even if cars drive slowly small children run up the hill and across the street in front of them and it is a high traffic area. Ski Beach is not a thorough fare and this would bring it away from the highway and the nearby apartment buildings. Mrs. VanDyken stated a playground at Ski Beach would be a focal point of the park.

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Mayor Knowles stated he worries about the speed limit on Lake Shore Drive being 25 mph, where it is now only 15 mph and asked Mrs. VanDyken if she would want to change the speed limit on Lake Shore Drive. Mayor Knowles also asked if one of the islands would work as a base for the play ground.

Mrs. VanDyken said no, and mentioned local business people have discussed installing walking trails at ski beach. This is an opportunity for a local group raising money to build a playground structure and basically kick start anything the City wants to do at Ski Beach.

Commissioner Christian stated he agrees with the road issues and asked if there is any thought about building a small structure at the current location because of the pavilions already there and then a larger one over on ski beach. Commissioner Christian also asked if the group is looking into grants or recreation financial help from the state.

Mrs. VanDyken stated they are pursuing every grant they can find and are also looking for local business partners. Just recently, the Leesburg Boat Club partnered with the Leesburg Partnership for a fund raiser and had a poker run to raise money for the playground. Venetian Gardens is the City's focal point and it needs to have a play ground that stands out and Landscape Structures like the play grounds at Epcot are play grounds designed with exercise in mind; they are open to where parents can monitor their children. Mrs. VanDyken stated she spoke to parents around town about Rogers Park and the problems where parents cannot monitor the children. They can hide easily and it is hard to keep an eye on them. There is also a fire hole and if a child was running he could go right down the hole through the play structure; another concern is it attracts teenagers. The Ski Beach is great location with a breeze coming off the lake and the new play structures can be made with materials that do not heat up.

Commissioner Polk stated he had a concern with the heat and mentioned that the county built their play structure without any shade and kids hardly use it during the summer because it gets so hot.

Commissioner Hurley stated he supports the cause, but not the location of Ski Beach because the Commission has been talking about a master plan for Venetian Gardens and whatever park is put there needs to last at least thirty years. He stated he knows there are concerns with the apartments and the City can start moving on that, but for him the issue of volley ball at Ski Beach is not dead and with trying to get the boat basin re-opened he does not feel this location will work.

Mrs. VanDyken stated she thought about volleyball also, but there is plenty of space for everyone at Ski Beach and the playground does not have to be in the middle. She said all they are asking for is to be included on the master planning. Hickory Point rents their facility for high dollar which has boat traffic and so Leesburg had something like this could start making money on its own facilities, especially if the boat basin is re-opened to where people could book a great outdoor area for a family event. Commissioner Hurley asked how close the group is to its \$250,000 goal. Mrs. VanDyken stated the group has been organizing for about a year and had to go through several manufactures to select the best fit for Leesburg, so they are just getting started.

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Commissioner Christian asked if the playground is moved to a new location as a new structure, could recreation impact fees be used. ICM Sharp stated he and BM McDaniel have been debating this issue. Impact fees are restricted to capacity expansions and as part of an overall master plan. It probably does qualify, but as part of a simple replacement in kind, it does not. ICM Sharp stated in previous meetings, the Commission has talked about master planning the Venetian Gardens in general and he thinks this is an appropriate step to take and that activity could be funded by the recreation impact fees.

Commissioner Christian stated he would like to see everyone working together with staff so there is no big clash of ideas and be less intrusive for the neighborhood. He stated he does not want to abandon the current location, but if a nice play structure down by Ski Beach, complementing volleyball or whatever else goes there is a great idea. Commissioner Christian stated he thinks the recreation impact fees could help get the study done and hopefully if going with a new structure, he hopes some funds could be utilized to help kick start the fund raiser.

Mrs. VanDyken agreed everyone needs to work together and again asked the Commission to find a way to work the play ground into the overall plan for Ski Beach.

Mayor Knowles stated the play ground would be on the master plan.

CONSENT AGENDA:

Items pulled for discussion

4.C.1 - Show System Integrators to furnish and install an electronic mapboard in the Electric Department Operations Dispatch Center.

4.C.2 – AKCA, Inc. to furnish traffic marking and striping services for Public Works.

Commissioner Dennison moved to adopt the Consent Agenda except for 4.C.1 and 4.C.2 and Commissioner Polk seconded the motion.

The roll call vote was:

Commissioner Dennison	Yes
Commissioner Christian	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:

CITY COMMISSION MEETING MINUTES:

Regular meeting held February 11, 2013

Workshop held April 22, 2013

PURCHASING ITEMS: None

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RESOLUTION 9190

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Ground Lease Agreement with Phillips Sales, Inc. d/b/a Phillips Toyota for space at Leesburg International Airport; and providing an effective date.

ADOPTED RESOLUTION 9191 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SHOW SYSTEM INTEGRATORS

Commissioner Hurley introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SHOW SYSTEM INTEGRATORS TO FURNISH AND INSTALL AN ELECTRONIC MAPBOARD IN THE ELECTRIC DEPARTMENT OPERATIONS DISPATCH CENTER FOR A TOTAL COST OF \$57,999.81; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Polk moved to adopt the resolution and Commissioner Hurley seconded the motion.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk stated this is some of the neat things observed when taking the tour at the Electric Department.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Commissioner Dennison	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9192 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UNIT PRICE AGREEMENT WITH AKCA, INC.

Commissioner Polk introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UNIT PRICE AGREEMENT WITH AKCA,

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INC. TO FURNISH TRAFFIC MARKING AND STRIPING SERVICES
FOR THE PUBLIC WORKS DEPARTMENT ON AN AS NEEDED
BASIS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Dennison seconded the motion.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Dennison asked if staff could do this work. Public Works Deputy Director (PWDD) Jimmy Feagle stated Public Works has the staff to do this, but found we can get a better cost by outsourcing and using our staff to handle other projects.

Commissioner Dennison asked why \$45,000 is budgeted for this if the bid is for just under \$80,000. PWDD Feagle stated for the bidding process, staff looked city wide and estimated they can do 600 stop bars and 5000 linear feet and the numbers added up to the \$80,000, but staff does not expect to spend anything more than what is budgeted.

ICM Sharp stated the \$80,000 is the annual requirement and the \$45,000 is what staff estimates could be completed through the remainder of the year.

Commissioner Polk asked how the bids are so far apart. PWDD Feagle stated when he reviewed the bids, he believes Lot Lines made some mistakes in their addition and without those mistakes the numbers may have been closer.

The roll call vote was:

Commissioner Hurley	Yes
Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Christian	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the resolution.

OTHER ITEMS: None

ADOPTED ORDINANCE 13-17 AMENDING THE FISCAL YEAR 2012-13 BUDGET FOR THE STORMWATER, CARVER HEIGHTS CRA, CAPITAL PROJECTS AND POLICE IMPACT FEES FUNDS FOR THE SECOND QUARTER

City Clerk Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AMENDING THE FISCAL YEAR 2012-13
BUDGET FOR THE STORMWATER, CARVER HEIGHTS CRA,
CAPITAL PROJECTS AND POLICE IMPACT FEES FUNDS FOR THE
SECOND QUARTER; AND PROVIDING AN EFFECTIVE DATE.

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Commissioner Christian moved to adopt the ordinance and Commissioner Hurley seconded the motion.

Mayor Knowles requested comments from the Commission and audience.

Commissioner Polk asked if these amounts are carry overs. Budget Manager (BM) Brandy McDaniel stated no, they are actual budget adjustments.

Commissioner Polk asked about the Police Department mule purchase and adjustment. BM McDaniel stated the mule purchase was not budgeted.

ICM Sharp stated some time ago, the City had a grant which provided the small ATV for the Police Department to patrol the trails and staff had an opportunity to purchase it at a very favorable cost after the grant ran out. ICM Sharp stated he spoke with Chief Chrisman specifically about patrolling the new trails and authorized him to purchase through a budget amendment.

The roll call vote was:

Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Christian	Yes
Commissioner Hurley	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the ordinance.

FIRST READING OF AN ORDINANCE AMENDING SECTION 2-1 OF THE CODE OF ORDINANCES PERTAINING TO SALE AND CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY

Commissioner Christian introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §2 – 1 OF THE CODE OF ORDINANCES, PERTAINING TO THE SALE AND CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY; ESTABLISHING A PROCEDURE FOR THE SALE OF PROPERTY DEEMED TO BE SURPLUS BY THE CITY; PROVIDING FOR EXCEPTIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk stated in “B” this says if the City Manager deems any property unneeded and asked if the City Manager gets direction from the Commission and if the Commission says to sell a piece of property, then the City Manager would go forward.

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CA Morrison stated there are several different situations under which the City can sell property and he tried to allow some flexibility. The situation that led to this was actually a parcel the City decided it did not want and the people adjacent claimed they did not know about it so that set the process back.

Commissioner Polk asked if this ordinance would also work for the property on 470.

CA Morrison stated it would not apply because in that situation a particular buyer would say they want five acres for an industrial plant and the City would actually negotiate a contract with them without going through this process or could list a parcel for sale through a real estate firm.

Commissioner Polk stated he did not want this to hold up the process on CR 470.

CA Morrison stated this only applies where the City says it has a piece of property obtained through code enforcement or foreclosure, etc and has no use for it and wants to put it up for sale.

Commissioner Christian stated he thinks staff and CA Morrison did a good job on the flexibility for the City and the public.

FIRST READING OF AN ORDINANCE AMENDING THE CITY OF LEESBURG CODE OF ORDINANCES CHAPTER 2, ARTICLE IV, DIVISION 10 COMMUNITY REDEVELOPMENT AGENCY, SECTION 2-168 BY ADDING SECTION 2-168.2 CORRIDOR STREET SCAPE/FACADE INCENTIVE GRANT PROGRAM

Commissioner Polk introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REVISING
CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES
PERTAINING TO ADVISORY BOARDS; DIVISION 10 COMMUNITY
REDEVELOPMENT AGENCY, SECTION 2-168 IN GENERAL BY
ADDING SECTION 2-168.2 CORRIDOR STREET SCAPE/FACADE
INCENTIVE GRANT PROGRAM PROVISIONS; REPEALING
CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk asked since this is being looped together, could a business apply for a sign and landscaping grant at the same time.

CDD Wiley answered they could apply for two grants. CDD Wiley also stated for correction on page one of the agenda memo it states the Street Scape/Façade to be one hundred feet south of Middlesex with the map having seventy-five feet, but this should be the one hundred feet and then under Section Four, number five says all projects must be

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completed within 120 calendar days, but paragraph number seven inadvertently states one year and number seven needs to be stricken.

Mayor Knowles stated so all projects must be completed within 120 days. CDD Wiley stated correct and for the funding, City staff has discussed the \$100,000 budgeted for the sign grant program, could also be used for this.

Commissioner Christian asked how the business owners will be notified that these funds are available. CDD Wiley stated staff could print in house brochures to be sent out.

FIRST READING OF AN ORDINANCE REZONING APPROXIMATELY ONE ACRE FROM CITY C-2 TO CITY SPUD

Commissioner Polk introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE ZONING OF APPROXIMATELY ONE ACRE FROM CITY C-2 (COMMUNITY COMERCIAL) TO A CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW AN AUTOMOBILE SALES AND SERVICE CENTER USE FOR A PROPERTY LOCATED ON THE EAST SIDE OF 14TH STREET, WEST OF SUNSHINE AVENUE, APPROXIMATELY 0.1 MILES SOUTH OF CITIZENS BOULEVARD, AS LEGALLY DESCRIBED IN SECTION 23, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (Value Auto Mart, LLC)

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk stated this is a car lot now or used to be and is all concrete or pavement now and asked when this SPUD is approved if they will have to dig that up and put in landscaping. CDD Wiley stated yes there is a requirement that five feet along US Highway 27 be taken up for landscaping as well as the northern triangle area where the sign is currently and they could apply for the sign grant to bring that into compliance.

Commissioner Dennison asked if staff has seen the plans as this is a very visible triangle location coming down US Highway 27 and Commissioner Dennison wants to make sure if this is going to be another car dealership that it at least does something to improve the area. CDD Wiley stated part of the corner is not included in this property and the sign will have to be relocated. They are required by City code to landscape 150 square feet around the sign and the area along US Highway 27 as the landscaping code on main roads is specific as to the kind of trees to be planted and of course as a car lot, staff has provisions to allow palm trees and low ground cover. CDD Wiley also stated the ordinance title read by the City Clerk was correct, but there was an error in the original title in the commission packets which had R-3 instead of C-2.

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Commissioner Christian stated his concern is the beautification along US Highway 27 as this would be a perfect example of bringing someone in and doing it the right way because as Commissioner Dennison said this is a major quarter. This location has been vacant for a while and Commissioner Christian does not want to put a burden on the owner, but does not want to see them get into business and six months later say the economy is bad and they cannot afford trees and the City is stuck. Commissioner Christian stated he would prefer the City reimburse the owner or do whatever it takes to get the landscaping done so citizens do not ride down US 27 and see fifteen RVs or cars waiting for the mechanic that cannot be hidden by palm trees.

CDD Wiley stated as far as this particular rezoning, there are restrictions which deal with where the display cars can be. The site plan will have areas where display cars are for sale on the north end, areas for parking, and then on the south end where the building is it has four bays and there are two fences, east and west, that will be required to be slatted and this is the only area he can have cars being worked on.

Commissioner Christian asked if the landscape plan could be available before the next reading and CDD Wiley stated he thought something could be put together.

FIRST READING OF AN ORDINANCE AMENDING THE CITY OF LEESBURG LAND DEVELOPMENT CODE CHAPTER 25

Commissioner Polk introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING THE CODE OF ORDINANCES CHAPTER 25, ARTICLE IV, ZONING, SECTIONS. 25-258 OFF-STREET PARKING BY DELETING (4) MAXIMUM NUMBER OF PARKING SPACES, 25-284 DISTRICT USE REGULATIONS, (2) USE TABLE KEY--TYPES OF USES AND (3) USE TABLE BY AMENDING THE USE TABLE FOR VEHICLE SALES AND SERVICE, SECTION 25-292 SUPPLEMENTAL DISTRICT REQUIREMENTS, (19) RESIDENTIAL GARAGES BY AMENDING THE GARAGE REQUIREMENTS; PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk asked about section 25-292 residential garages; if a resident closes in their garage, do they have to construct another one. CDD Wiley stated primarily these are amendments to clean up areas of the code where the City has run into issues dealing with the public and business communities. In the section Commissioner Polk is referring to has to do with the current requirement which states if building a new home, it must have a garage. If a resident in an existing home encloses the garage or carport, then they have to build a new garage and this has caused a real hardship for owners in some of the older communities. CDD Wiley stated through the years as families grow and with the

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need for more space, they enclose the garage and then when someone goes into the area to buy a house they see the enclosed garages and do not realize this cannot be done because the code has changed. This has created a problem because these residents do not have the space to build a new garage so this change was made a couple of years ago and staff thought it was time to address the issue. CDD Wiley stated at the time the code was developed that required a garage staff also developed a section which requires storage and that section of the code says if you have an outside storage unit, it has to be architecturally compatible to the home. CDD Wiley stated all staff has done is eliminate the requirement which requires someone with an enclosed garage to have to build another garage; however, they do have to have at least eighty square feet of storage space. This storage section was done with the intent to try to make the neighborhoods look better.

Commissioner Hurley stated so what the code says now is the City will require storage like a shed or something if they close in their carport even though a carport is not storage, it is just a cover. CDD Wiley stated yes and staff talked to code enforcement personnel and found out several residents use their carports for storage which causes a problem with code enforcement.

ADOPTED RESOLUTION 9193 AUTHORIZING EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO DEBT SERVICE FORWARD DELIVERY AGREEMENT AND A SECOND AMENDMENT TO CUSTODY AGREEMENT

Commissioner Polk introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO DEBT SERVICE FORWARD DELIVERY AGREEMENT, A SECOND AMENDMENT TO CUSTODY AGREEMENT AND ALL DOCUMENTS RELATED THERETO FOR THE CITY'S UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2013, AND THE CITY'S CAPITAL IMPROVEMENT REFUNDING REVENUE BONDS, SERIES 2013; REPEALING CONFLICTING RESOLUTIONS AND MOTIONS; PROVIDING A SAVINGS CLAUSE: AND PROVIDING AN EFFECTIVE DATE.

Commissioner Polk moved to adopt the resolution and Commissioner Christian seconded the motion.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk asked about the debt service forward delivery.

Finance Director (FD) Bill Spinelli handed out a Refunding Results Analysis sheet for the City savings on the Capital Improvement and Utility Bonds and stated the closing is scheduled for Tuesday, May 14. The City saved approximately \$4,789,008 between the two bond deals with a total annual budgetary savings of approximately \$224,018.

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FD Spinelli stated the Capital Improvement bond which effects the General Fund has as of April 22nd, an estimated a savings of \$65,000 and when finally closed on the market the City had an estimated annual savings of \$99,000 so the City saved 2.1 million dollars on that bond for the General Fund. On the utility bond for Wastewater, Water, and Gas Utility Funds the City estimated a savings of 1.6 million and this came in at a savings of 2.664 million which brings the City an annual savings of \$124,631. These two bonds were replaced with the 2004 bonds and as part of that there was a debt service forward agreement which basically said the City is going to borrow money from the bank, then Wachovia, and every time the City made an interest and principal payment Wachovia would get the opportunity to take that money and invest it.

Mike Williams, Bond Council, stated in 2005 one year after closure, the city received an upfront payment which under the existing agreements the bank could charge a termination fee. They have agreed to waive the termination fee and this keeps the same business deal in place that the city had back in 2004 just breaking it down in costs.

The roll call vote was:

Commissioner Dennison	Yes
Commissioner Christian	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9194 ADOPTING A POLICY GOVERNING CITY EMPLOYEES IN THEIR EXERCISE OF NOTARY PUBLIC DUTIES

Commissioner Polk introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, ADOPTING A POLICY GOVERNING CITY
EMPLOYEES IN THEIR EXERCISE OF NOTARY PUBLIC DUTIES,
AND PROVIDING AN EFFECTIVE DATE.

Commissioner Polk moved to adopt the resolution and Commissioner Dennison seconded the motion.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk stated there are options and staff does not need to do notary functions that take up enormous amounts of time.

ICM Sharp stated what this resolution does is to restrict the notary work to only official city business during the run of business hours on city property.

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Commissioner Polk stated anyone going to the Clerk's office for a notary would be informed staff no longer does this function and they need to go elsewhere for the notary; good.

The roll call vote was:

Commissioner Polk	Yes
Commissioner Dennison	Yes
Commissioner Christian	No
Commissioner Hurley	No
Mayor Knowles	Yes

Three yeas, two nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9195 IN SUPPORT OF THE RENEWAL BY LAKE COUNTY COMMISSION RENEWAL OF THE SIX CENTS OF LOCAL OPTION FUEL TAX

Commissioner Christian introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, IN SUPPORT OF THE RENEWAL BY LAKE COUNTY COMMISSION OF THE SIX CENTS OF LOCAL OPTION FUEL TAX FOR THE CONTINUING OPERATIONS OF LAKE COUNTY PUBLIC WORKS, INCLUDING MAINTENANCE AND PERSONNEL COSTS, AND FOR DISTRIBUTION AMONG LAKE COUNTY AND ITS VARIOUS MUNICIPALITIES TO BE SPENT FOR TRANSPORTATION RELATED PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Dennison moved to adopt the resolution and Commissioner Christian seconded the motion.

Mayor Knowles requested comments from the Commission and the audience.

Commissioner Polk asked if approved, what is the time frame.

Mayor Knowles stated he thinks it is for twenty years.

ICM Sharp stated this resolution is the City's support of the Lake County's extension and he believes the time may be thirty years.

Mayor Knowles stated the percentage is split between the County and the Cities.

Commissioner Polk stated he would like to see a greater percentage for the City.

Mayor Knowles agreed and stated it never hurts to ask.

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Commissioner Dennison asked when the split takes place.

Mayor Knowles stated Lake County first has to decide to move forward.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Hurley	Yes
Commissioner Polk	Yes
Commissioner Dennison	Yes
Mayor Knowles	Yes

Five yeas, no nays, the Commission adopted the resolution.

DISCUSSION ON EXTENSION OF IMPACT FEE WAIVER

ICM Sharp stated several years ago the Water, Wastewater, Police, and Parks and Recreation impact fees were waived by the City and the current waiver expires May 29, 2013 and this is brought before the Commission for some direction. ICM Sharp stated at this time, there seems to be three alternatives:

- a) Allow the impact fee waivers to lapse, and implement impact fees immediately;
- b) Extend impact fee waivers for one more year;
- c) As a more reasoned approach – extend the impact fee waiver through September 30, 2013 and implement the fees effective October 1, 2013. Concurrently, provide an option that will allow impact fees to be negotiated for significant economic development opportunities.

ICM Sharp pointed out that the waiver only applies within the city limits of the City of Leesburg. The City does currently collect water and sewer impact fees outside the City limits, but does not collect Police or Parks and Recreation impact fees outside the City limits. This has essentially been frozen for last three years and as long as waiver is in effect, the City will not collect these fees. On the utility side, some of the impact fees could be used to offset debt service to the extent that debt service reflects capacity improvements and the lack of impact fees does have an effect on utility rates.

Commissioner Polk stated he would like to extend them for at least another year so possibly the City could get some people moving here.

Commissioner Dennison asked if some of B & C could be combined and stated she would like to see them extended for one year and then come up with a fee schedule. Commissioner Dennison also asked if this is strictly going forward and not retroactive to the past three years.

ICM Sharp stated this would strictly be going forward and the impact fee scale structures do exist the City simply has not been applying them inside the city limits, but outside for water and sewer they have been applied.

Commissioner Christian stated he knows the City has waived these fees for some time in the hopes it would spur growth in Leesburg, but it has done very little. His concern is as

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far as talking about economic development when talking about extending CR 470 that is going to cost so without having impact fee funds, how are we going to extend water and sewer lines down US 27. Commissioner Christian asked ICM Sharp as a utility director how the City gets the capacity if it does not have these impact fees in place.

ICM Sharp stated if the Commission recalls back in 2007-2008 it received a presentation from him on the subject of water and sewer impact fees and in particular talked about master planning for water and sewer in our south west expansion area. The number in 2008 which had been updated just prior to that presentation was 153 million dollars to build out capacity to serve those areas and the density that has been annexed. Over the long term this is a pretty significant funding deficit and as a fact of the matter it is not a funding deficit that can be done on a pay as you go basis. ICM Sharp stated the appropriate way to do this is to use the impact fees as the funding source for debt service and in some areas the City is in good shape; the turnpike wastewater treatment facility has ample treatment capacity, but what the City does not have is the infrastructure to support that kind of growth and the same is true with the water plants and water distribution systems. ICM Sharp stated in the absence of this kind of funding opportunity, staff does run up against a hard wall at some point in the future with regard to the ability to funds.

Commissioner Christian asked ICM Sharp for his recommendation knowing what the Commission's vision session was and knowing what it wants to see happen in Leesburg with the potential growth and master planning as someone who is going to say water and sewer will be needed in the future.

ICM Sharp stated he thinks it is most appropriate to do a minor extension and to simply let it lapse without notice to our business community and those things that Mr. Wiley may have on the horizon is probably inappropriate. Extending it through the end of the current fiscal year gives the City an opportunity to provide ample notice and he thinks the other part of this in support of economic development and future growth opportunities is to provide some leeway for use of impact fees as part of the overall negotiation as a benefit the City can offer. ICM Sharp stated if the City does this it gives more flexibility than it had in the past even when the City was collecting impact fees and said he thinks it would be an appropriate modification.

Commissioner Christian stated it could be option "C".

CA Morrison stated for clarification, if the City reinstates impact fees and provide for the ability to negotiate economic development this does not mean the City does not get paid, the City waives collection of fees from a particular development the City is obligated to replace that money in the General Fund from another source.

Commissioner Polk stated impact fees have never paid for developments in the past either in the county or the city. He believes arrangements were made with Secret Promise that they would have to pay for the utilities to be run to their development and that was without impact fees. Commissioner Polk stated to have impact fees and then waive them for one over another cannot be done.

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CA Morison stated as he envisions it and as ICM Sharp proposed it the waiver provision would not be open ended for anyone; it would be an authorization to negotiate some sort of accommodations on impact fees as an overall economic development package, not just a one shot impact fee waiver.

Commissioner Polk stated this would be as an incentive package but if big guy company comes in and wants to supply 500 jobs and little guy company has 12 employees and is going to be here forever, we are not going to help him at all.

Commissioner Christian stated in order to lure companies to Leesburg the City is going to need proper schools, roads, and infrastructure but it may come down to a CEO saying what is Leesburg going to do for me to bring my business there so in an economic development world this is just another tool the City can utilize along with property and ad valorem taxes to help its businesses. Commissioner Christian stated with Secret Promise the City made a deal with them, but someone on the other side of the road should also pay their fare share. It is the City's responsibility to make sure it has the proper infrastructure and services for businesses to come here. Something has to be done to prepare for growth in Leesburg and it is time for everyone to take a serious look. Commissioner Christian stated he supports C.

Commissioner Dennison stated she also supports option C.

Mayor Knowles asked for a motion.

Commissioner Christian moved to approve Option C with the flexibility to negotiate for significant economic development opportunities and Commissioner Dennison seconded the motion.

Mayor Knowles requested comments from the public on a move to extend the impact fee waiver to September 30, 2013 and implement the fees effectively October 1, 2013 concurrently providing an option that will allow impact fees to be negotiated for significant economic development opportunities and stated this is the item on the floor at this particular time. There were no comments.

The roll call vote was:

Commissioner Dennison	Yes
Commissioner Christian	Yes
Commissioner Hurley	Yes
Commissioner Polk	No
Mayor Knowles	Yes

Four yeas, one nay, the Commission approved Option C to extend the impact fee waiver to September 30, 2013 and implement the fees effectively October 1, 2013 concurrently providing an option that will allow impact fees to be negotiated for significant economic development opportunities.

**DENIED RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT
WITH HEART UTILITIES OF JACKSONVILLE, INC**

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START HERE

CA Morrison stated this has been a unique bidding process. Initially PM Thornton sent out for bids, received bids and Heart Utilities was low bidder. Hewitt then came in and said they should be considered since they are the local responsible bidder and the Commission tabled. At the next meeting it was a battle of the lawyers with Heart Utilities saying we are the low bidder, responsible and nothing wrong with our bid and if not awarded could sue the City and CA Morrison stated his opinion was they probably could win. Hewitt on the other hand through counsel made the argument Heart was not properly licensed and CA Morrison stated he felt Heart had the better of the argument on that issue as well. This was not a black and white issue by any means and Hewitt indicated they could sue if the contract was awarded to Heart based on licensing so CA Morrison stated it was his initial plan to tell the Commission tonight it had the option to award the contract to Heart and risk a suit on the licensing issue or award to Hewitt and be sued on the basis or fact that Heart was the low bidder. Then last week CA Morrison stated he received a letter from Mr. Zebouni, Heart Utilities representative, hinting around that the essence of it is we spent a lot of money here and we are glad Leesburg would approve us and hoped it will treat us fair but they do not want to force themselves on and be forced to work with a City that does not want them so if decided to do something beside award the contract to Heart they are not going to sue the City which was an unexpected complication; probably a fairly favorable one with that regard.

CA Morrison stated the Commission's options at this point are more of the same and a third option always available to the Commission in any bidding process is it can reject all bids and go back to square one. CA Morrison stated he has not spoken to PM Thornton about this and he may have something to say on it but it is my personal opinion if facing a lawsuit at either turn and my comment to ICM Sharp on this was it is a nice letter but in the end for a number of legal reasons we do not know to what extent Mr. Zebouni had the authority to say what he said and simply the ability to change your mind this is not a 100% guarantee you will not be sued even though that is what the letter says. Heart Utilities could fire this lawyer and sue anyway or come back and say he did not get anything for this promise so it is not legally enforceable. At the end of day from a legal perspective as opposed to merely a purchasing perspective CA Morrison stated he favors the option of rejecting all bids. Mr. Zebouni is not present but Mr. Hewitt is present with counsel now and this depends to a certain extent on his willingness to do what I am about to suggest but it would be my thought as we are eight months into the current fiscal year, consideration might be given to reject all bids sending Mr. Thornton back to the drawing board, there were some obvious defects in hind sight in the bid document this time around, let us try to fix those and go back out to bid on this with a contract to start October first and just continue with Mr. Hewitt under the existing arrangement for the balance of this fiscal year.

Commissioner Hurley made motion to throw out all bids and re-bid this for a contract to start October 1, 2013 and Commissioner Dennison seconded the motion.

Commissioner Polk asked CA Morrison if there was already a motion on the floor from when this was tabled.

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CA Morrison stated there is a motion to award the contract to Hewitt, so directly the Commission would need to vote on that motion first.

Mayor Knowles asked for comments on awarding the contract to Hewitt.

Commissioner Hurley asked if this was the motion made by Commissioner Polk.

CA Morrison stated the motion was made at a meeting where Commissioner Hurley was not present.

Commissioner Polk stated this item has been tabled twice and his motion was to accept Hewitt as the contractor and award the bid to them.

Mayor Knowles asked if the contract is not awarded to Hewitt tonight would Hewitt still remain as the City's operator until at least October.

CA Morrison stated technically the Hewitt contract expired and he has been good enough to continue up to this point and as stated earlier it would be open to his input as to whether he is willing to continue. CA Morrison stated the Commission needs to dispose of the existing motion before getting to that point because if that motion passes then it becomes a moot issue. If that motion fails then Commissioner Hurley could make his motion over again and start that discussion as his motion to throw out all the bids is out of order because of Commissioner Polk's tabled motion.

Mayor Knowles stated Commissioner Polk's motion takes precedent and that would be to award the contract to Hewitt and hope that Mr. Zebouni does not change his mind.

Chuck Johnson suggested the Commission do what its lawyer tells it to and pay for it later.

The roll call vote on awarding the contract to Hewitt Contracting Company was:

Commissioner Polk	No
Commissioner Dennison	No
Commissioner Christian	No
Commissioner Hurley	No
Mayor Knowles	No

Five nays, no yeas, the Commission did not approve the motion.

Commissioner Hurley made a motion to reject all bids and continue with current provider throughout the remainder of this fiscal year with a supplemental contract if he will and that this be re-bid for the next fiscal year starting October 1, 2013. Commissioner Polk seconded the motion.

Commissioner Polk asked Mr. Hewitt if he is willing to agree to continue to do the work until the end of the fiscal year as he has been doing.

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Mr. Hewitt stated he does not know; he will have to think about it as he does not like the treatment they have received from the City. Commissioner Polk apologized.

Commissioner Hurley asked what the City will do if Mr. Hewitt no longer wants to continue the work. ICM Sharp stated, give PM Thornton direction to acquire the services necessary to complete the work and primarily have the electric department complete their work.

The roll call vote on throwing out all bids was:

Commissioner Dennison	Yes
Commissioner Christian	No
Commissioner Hurley	Yes
Commissioner Polk	Yes
Mayor Knowles	Yes

Four yes, one nay, the Commission approve the motion.

Commissioner Polk asked who will work with PM Thornton to get this bid as it should be. CA Morrison stated he thinks the main problem brought up during the previous meetings was the extension of unit prices entered and that was only in the third category which is a tiny part but may have tipped it one way or the other.

Commissioner Polk asked if the original bid that Hewitt has been working under now was one bid or separate in three parts. CA Morrison stated he believes it was one bid, but the contract has been renewed for several years.

PM Thornton stated the original contract was in 2001 prior to his employment and was a number of work items that at the time he believes was one group.

Commissioner Polk asked CA Morrison if he said the City might get sued by Hewitt because the contract was not written correctly and if it an underground utility or an electrical contract.

CA Morrison stated Hewitt Power clearly has every license required under anyone's interpretation of the law to perform the work under the contract where Heart Utilities had electrical contractors license and I would say some ambiguity as to whether they are qualified to do certain aspects of the excavation work. One interpretation of the electrical contracting statute suggests they could but a further tighter interpretation of the wording in that statute would suggest they were not and the question would be is it permissible for them to bid that out as a sub contract. CA Morrison stated that in turn raises certain licensing issues for example were they were able to perform the contract not knowing what their sub contractor was going to charge on a particular job a year down the road.

Commissioner Polk stated he could see where there might be different numbers if one company is bidding for an underground contract and the other company is bidding for an electrical one.

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CA Morrison stated as he recalls the electrical contracting statute says an electrical contractor can do certain things such as pull wires through conduits and any excavation, it uses that word specifically, associated with electrical work qualifies to do so. The question then becomes what is excavation, is it digging an open ditch or does it also include jacking and boring across the highway or directional boring underground using specialized equipment and that is where it really is not clear at all.

Commissioner Polk stated he wants to get this cleared up before being sent out for re-bids because he does not want an electrical contractor with only a pickup truck and a ditch witch behind it to do this work. Commissioner Polk also stated he does not think any bids need to be sent out in a hurried manner so that the City gets it right and gets qualified people in to do the work.

CA Morrison stated he and PM Thornton need to sit down and go through this issue with some detail as the next bid questionnaire is being prepared.

Commissioner Hurley stated one of the things discussed at the last commission meeting was the issues that Mr. Hewitt did not come in at the five percent but the City has the \$25,000 maximum so this is another issue within the local preference policy. Commissioner Hurley also stated he thought the Commission was going to discuss what it wanted to do with local preference before the next bidding cycle.

CA Morrison stated that also would have to be done.

Mr. Battle, Mr. Hewitt's attorney, stated Mr. Hewitt's position remains what it was at the last meeting; he believes he was the only properly licensed contractor that had low bid of those licensed and he should be receiving the contract. I know you have already taken a vote but I think Mr. Morrison would tell you that you could reverse your vote tonight. Something Mr. Morrison may not have analyzed when he told you about the issue of Heart, but you have a letter from the lawyer who stood here saying he represented Heart Utilities and they were present so when he wrote the letter to Mr. Morrison in the law it is called an estoppel which means you cannot tell the Commission we will not push this issue if you do not give us the job and then turn around after the job is given to Hewitt and sue the City. Mr. Battle said in his view and Mr. Morrison may disagree with him but he does constructional litigation and they are stopped from coming back and suing the City. No one can tell you they will not sue because anyone with a filing fee and a lawyer can file a law suit but Mr. Battle stated he do not see where Heart Utilities can win because back to his previous arguments they are not properly licensed. Now there is a letter saying they will not sue the City from a guy who stood here with his client present and there is no communication from anyone suggesting he had enough authority to do that. Mr. Battle stated the Commission, should it choose, can reverse its vote tonight, award this job to Hewitt and save the City the cost of rebidding and move on with business.

CA Morrison stated he agrees with Mr. Battle in so far as the ability of the Commission to reverse its vote tonight if it so wishes. CA Morrison stated as to the estoppel issue he agrees in principle with what Mr. Battle told the Commission with one exception, Mr. Battle and he are looking at the same object through different prisms; Mr. Battle is

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looking at it through the prism of if you get sued can you win and I am looking at it through the prism of the City not getting sued to begin with. CA Morrison stated he agrees there is a very strong estoppel argument to be made and it is his goal in representing the City and has always been to not put ourselves in the position to make that argument.

Mayor Knowles stated from a risk point of view, he sees the City of Leesburg still has the best licensed person probably in at least Central Florida if not Florida still doing its work if he is agreeable. Mayor Knowles also stated he would like to see the contract adjusted somewhat as he had a bit of a problem with an electrical contractor doing the work who was not licensed to do underground work and if the contract is adjusted accordingly the City may still get the very best qualified person to do the work in the future.

CA Morrison stated for discussion purposes to get from point A to point B any Commissioner who voted in favor of the motion which passed could move to reopen the motion and move to amend and award the contract to Hewitt if that is the will of the Commission tonight.

Mayor Knowles stated all Commissioners voted no. CA Morrison stated he thinks only one voted against the motion.

Commissioner Christian stated he voted no.

CA Morrison stated any Commissioner who voted in favor of could move at this point to reconsider that motion and if the motion to reconsider passes then there could be a motion made to amend and award the contract to Hewitt.

Mayor Knowles stated so a motion to reconsider could be made by Commissioner Polk, Commissioner Hurley or Commissioner Dennison.

Commissioner Dennison stated she stands with her no vote.

Commissioner Polk moved to reconsider the Hewitt award.

Commissioner Dennison stated that motion was already voted down.

Mayor Knowles stated there is a motion to reconsider.

Commissioner Dennison stated she understands, but there were five no votes on that motion; there were no yes votes.

CA Morrison stated this would be to reopen the motion that passed to throw out all bids if someone was so inclined to move to amend that motion and grant the contract to Hewitt.

Commissioner Polk again moved to reconsider the Hewitt award.

Commissioner Hurley stated he has had great turmoil the last thirty days on how to determine what is best for our community, but based on whatever reasons through the bid

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process Mr. Hewitt lost the bid. Sitting here now, it is my thought to extend the current contract through the rest of this year and then with input given make corrections and rebid this for the new fiscal year. Commissioner Hurley stated to Mr. Hewitt he is sorry if you feels mistreated, but stated he also hates being threatened. Mr. Hewitt asked Commissioner Hurley who threatened him.

Commissioner Hurley stated your attorney and every attorney who has walked up to this podium.

Mr. Hewitt stated he thinks his company has shown more than good faith to operate for seven months without a contract with the City and it is their position they were the low responsible bidder, have all required licenses, and should receive the bid award.

Commissioner Hurley stated he thinks Hewitt is the right person for this job and he may not want to continue right now, but he is trying to explain the motion made. He spent several hours with the Interim City Manager and the City Attorney trying to figure out what he felt to be the best thing. He is sticking with what my motion was because he feels it is the best thing and hopes in four months if nothing else changes that Mr. Hewitt will continue with what he is doing.

Mr. Hewitt stated he respectfully disagrees.

Mayor Knowles stated the motion dies for lack of a second.

INFORMATIONAL REPORTS: None

CITY ATTORNEY ITEMS: Nothing

CITY MANAGER ITEMS:

ICM Sharp stated the bridge work at Venetian Gardens should be finished by the end of June and reopened in time for the July 4th celebration.

ICM Sharp also stated there will be a ribbon cutting ceremony for the trails this Thursday, May 16 at 5:00 pm at the Gymnasium end of the trail.

PUBLIC COMMENTS:

Don Lukich stated he thinks the City's local vendor preference is a big, stupid problem and should be repealed as it is a detriment to the tax payers as vendors do not spend their money locally. Mr. Lukich brought up statements he had read off the internet of Commissioner Polk criticizing Bikefest and a spirited discussion commenced between Mr. Lukich and Commissioner Polk.

Chuck Johnson stated he was the one who criticized Bikefest but also stated Joe Shipes, his staff, and the City of Leesburg did do a great job this year. Mr. Johnson stated it is okay to differ in opinions as long as everyone remains trying to do what is best for our City and stated he appreciates the Commission. Mr. Johnson did ask for an update on the

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City's investigation on its policy and procedures of terminating its employees. Mayor Knowles stated he would be in contact Mr. Johnson.

Lee Webb with Wipaire showed a conceptual picture of the two buildings his company plans to construct along US Highway 441 at a cost of 4.6 million dollars and asked for the City of Leesburg to give them a land lease for this property so they can proceed.

Chuck Brainerd, owner of FireHawk Helicopters stated Wipaire bringing 50 to 60 jobs to our community is a good thing and most all the FireHawk employees have moved to the City or Lake County. Mr. Brainerd stated they have been working for fourteen months to receive a new lease at the airport and will be bringing this new lease before the Commission. Mr. Brainerd also made the statement that most of the improvements at the airport have been done by the tenants, built the facilities, landscaping, and he owns two of the fire hydrants.

Paul Reason, General Manager for Jet Ski, stated he agreed with Commissioner Christian's fabulous points on the economic development tools the City has and stated the airport holds a major part in the City's economic development. Mr. Reason stated they would like to double the size and presence of Jet Ski but cannot do it under an eight year lease where the lease expires and the property reverts back to the City.

ROLL CALL:

Commissioner Dennison stated last week she attended the Metro Orlando Economic Development quarterly meeting and they have some major changes coming to the Central Florida area. One idea stressed was branding so Commissioner Dennison stated she would like everyone to be thinking about what we want Leesburg to stand for; the Lake Front City or is there something more to advance the City of Leesburg. Commissioner Dennison stated Airport leases seem to be the hot subject tonight. Our airport has been in existence since 1942 which was a military airport and a POW camp and asked why it is taking seventy-one years to come up with a uniform lease policy. Commissioner Dennison stated in talking economic development the City has Wipaire who is planning on bringing sixty plus high paying jobs to our airport and are going to invest four million dollars in building a facility that will really make Leesburg stand out with float and pontoon planes. The second company, Brainerd Helicopters, has been a good steward of Leesburg for many years and is also looking to expand their operation and stay here. This is pure economic growth and they are going to be bringing other companies in with them. Commissioner Dennison said if Leesburg is going to use this as one of our jewels and push the FEAT Park and other areas to bring companies into Leesburg we have got to start working with the companies at the airport as they are only looking at improvement and building the economy here so Commissioner Dennison asked to please get this lease problem going. Commissioner Dennison also asked to see an update on the sea plan ramp project within the next couple weeks. **ICM Sharp** reminded everyone there is an airport lease policy workshop on May 28, at 5:00 pm prior to the regular Commission meeting and stated Mr. Webb with Wipaire did receive a draft copy of a lease agreement last week, so there is some progress being made.

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Commissioner Christian asked ICM Sharp if the lease Mr. Brainerd stated he is bringing to the Commission in two weeks for approval is a lease staff is working on. **ICM Sharp** stated Mr. Brainerd has proposed to craft a lease with his terms and conditions which ICM Sharp stated he has not seen, but knows generally what is being proposed. In a meeting Mr. Brainerd insisted he wanted to bring his lease forward which he stated earlier so he will bring forward whatever version he sees fit. ICM Sharp stated the next agenda, following the workshop, will have a lease policy for approval. **Commissioner Christian** asked if this lease will be a standard lease for everyone. **ICM Sharp** stated the lease Mr. Webb received does conform to the proposed lease policy. **Commissioner Christian** thanked staff for work on Venetian Garden as it looks great. He also stated the Community building is coming along and he thinks the exterior color pops out when riding down Dixie. He stated he knows Commissioner Hurley had a great clean up, but does not think it is a Commissioner's responsibility to do clean up as City staff is capable of making it look great. Commissioner Christian stated this is another jewel for Leesburg as talking about keeping our waterways beautiful so he also commended staff on this. He was excited about the trail dedication and has seen people riding the trail on bikes and walking and is excited about the trails connecting communities together in the City.

Commissioner Hurley wished ICM Sharp a Happy Birthday and commended Police Chief Chrisman on the way two of his officers conducted themselves in a shooting incident. Commissioner Hurley stated he heard the City hired an Airport Manager and asked if he will be introduced to the Commission. **ICM Sharp** stated he is working part time through the end of this year and during the budget process there will be a proposal to make this position full time and he will be present at the Airport workshop. **Commissioner Hurley** stated he knows there are issues with the airport and for him leases do not need to be brought before the Commission until they have first been presented to staff.

Commissioner Hurley asked where the City is with the wake zone issue. **Interim Public Works Director (IPWD) DC Maudlin** stated staff is working on a couple issues rescinding the current no wake zone and establishing a new no wake zone to protect marina and the boat ramp. He stated he spoke with the Florida Fish and Wildlife as they are the permitting agency for no wake zones, the Core of Engineers who permits the water signs, and the Coast Guard who issues the permits for safety. All three agencies have a review process and the City needs to have an ordinance rescinding a portion of the established ordinance on the current no wake zone which IPWD Maudlin stated he is working on now. Once the ordinance is approved by the Commission, it will need to be reviewed and approved by the Fish and Wildlife Commission so the intent is to provide them a draft copy for review before submitting to the Commission for final approval. He stated the basis for establishing a no wake zone has two solid justifications; one is a no wake zone around the fueling station in the marina and two is no wake zone at the public boat ramp access; these are recognized transportation in the Florida Statutes so there is a fairly routine application once everything is put together. **Commissioner Hurley** asked about the time line. **IPDW Maudlin** stated he plans to have the draft ordinance done this week and as for the application packet staff member Adrian Parker is developing the sketch to attach. Staff has been told this is a fairly quick turn around as long as the format is followed; about a sixty to ninety day process and all three reviews can be done simultaneously.

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Commissioner Hurley asked where the City is with the Fire training. **ICM Sharp** stated he met with Chief Bowman today and has asked for additional information and clarification before proceeding.

Commissioner Polk apologized for his earlier outburst stating he was born and raised in Leesburg and is trying to do positive things for the City. Major changes are happening in the City now and Commissioner Polk stated he spoke with ICM Sharp and feels he has done a wonderful job keeping the City up to date and in order. Commissioner Polk stated the presentation by the Fire Chief was not truthful and as Commissioners they have to make decisions and need staff in high positions to present the truth and this presentation has been proven not to be true. All public servants of Leesburg should be truthful and if not, the City should not keep them. Commissioner Polk stated this has been weighing heavy on him and he does not know how to handle this but ICM Sharp has the pressure on him now as Interim City Manager to hire and fire and Commissioner Polk stated he prays for ICM Sharp, the City and himself every night and will not have anyone stand up and lie about him. Commissioner Polk stated he is not doing this for himself, he is working for the citizens of Leesburg and receives all kinds of telephone calls at all hours and welcomes all calls, but not the lies and if citizens vote him out, they vote him out but he is trying to do the best for the City he loves.

Mayor Knowles stated he is happy a number of applications have been received for the City Manager position. Mayor Knowles stated he has ideas on what the airport leases should look like and has given these to ICM Sharp. He said he is still looking at golf carts in Palmora Park and roadways leading them down to the Community Building. As to the no wake zone, Mayor Knowles stated he was at the boat ramp about a week ago and someone was trying to get off their boat when a wave came in and knocked someone into the water; fortunately they were able to swim to the ramp but everyone needs to be careful in these areas. Mayor Knowles stated everyone has different opinions and we will keep it open for discussion, move on to the next subject and possibly have an agreement.

ADJOURN:

Commissioner Christian moved to adjourn the meeting and Commissioner Dennison seconded the motion. The meeting adjourned at 7:54 p.m.

Mayor

ATTEST:

Betty M. Richardson
City Clerk

J. Andi Purvis
Recorder